

5. Re-Evaluations

- 5.1. Introduction
- 5.2. Consultation
- 5.3. Written Evaluation
- 5.4. Format and Content
- 5.5. Approval Process
- 5.6. Revised EA/Supplemental EIS

5.1. Introduction

The purpose of an environmental re-evaluation is to determine if the environmental document (EA/FONSI, EIS/ROD) or Categorical Exclusion (CE) designation is still valid before proceeding with major project approval or authorization (i.e., Appraisal and Acquisition, Utility Relocation, Final Plans, Specifications, and Estimates [PS&E], and Construction).

There are two basic forms the re-evaluation can take (i.e., verbal consultation and written), as spelled out in the FHWA Alaska Division March 12, 1996 “Procedure for Implementing NEPA Related Consultation/Re-evaluation.” The purpose of the re-evaluation is to identify and document any changes that may have occurred in either the project concept or the affected environment and to determine if those changes require a supplemental or new environmental document before the project proceeds. For most projects, the requirement for a re-evaluation will be accomplished through consultation with the FHWA area engineer or designee.

The regional environmental coordinator will determine what effects any project changes or changes in the affected environment might have on the validity of the environmental documentation and consult with the FHWA area engineer. The exception is when request for final design or other phase authorization occurs within six months after the date of the environmental document approval (this presumes no major changes in scope), in which case consultation is not necessary.

When a project has received environmental document approval, two circumstances trigger the need for a written re-evaluation. One is whenever a major step to advance the project has not occurred within three years. This includes steps in the NEPA process as well as subsequent phases of the project. The other is when there is a change in scope or design that could result in revised conditions, or when new information

concerning project effects is obtained.

A written re-evaluation is also required when you have an approved Draft EIS (DEIS) and haven’t received approval of the Final EIS (FEIS) within three years. In this re-evaluation, you must demonstrate that the information presented in the DEIS is an accurate analysis of the anticipated project impacts.

23 CFR 771.129 gives the FHWA regulatory requirements for re-evaluations, while the process in Alaska is spelled out in the 1996 “Procedure for Implementing NEPA Related Consultation/Re-evaluation.”

5.2. Consultation

The regional environmental coordinator consults (by phone or in person) with FHWA (the area engineer for CEs and the environmental officer for EAs and EISs) before the Department requests any major project approvals (e.g., Appraisal and Acquisition, Utility Relocation, Final PS&E, or Construction). The purpose of this consultation is to determine if the environmental document remains valid for requested FHWA authorization and to determine if a written re-evaluation is applicable.

The level of analysis and documentation should be commensurate with the changes in the project and its surroundings, potential for controversy, and length of time since the last environmental action.

The coordinator will document consultation with the FHWA area engineer in a telephone log for the project record. If the consultation determines that a written re-evaluation is not required no further documentation is required at that time. However, if it consultation concludes that a written re-evaluation is necessary it will be developed as described in the following section.

5.3. Written Evaluation

The written re-evaluation (see Appendix D) must consider the entire project approved in the environmental document, not just the segment being authorized at that time (*this includes segments previously constructed*). This ensures that there are no “roadblocks” that could affect future segments, which could have been avoided or minimized if identified and considered earlier. This includes a long project

that has been segmented into smaller projects for design and construction after environmental approval is received. You only need to consider future segments in enough detail to determine if there have been any changes in the affected environment (e.g., newly designated Section 4(f) protected properties, hazardous waste sites, protected resources) that could be avoided if appropriate action were taken subsequent to future project authorizations.

Previously constructed segments can be a concern and need to be evaluated. But you'll only need to consider previously constructed segments in enough detail to determine if 1) unexpected significant impacts occurred as a result of the construction that would have a bearing on future project decisions; 2) there were unexpected impacts that should be mitigated during future phases of the project; or 3) previous construction mitigation failed to achieve the expected results.

When project segments are developed concurrently with different design managers or a combination of in-house design resources and consultant design resources, it is important that the regional environmental coordinator ensures that the re-evaluations are coordinated.

5.4. Format and Content

The Department has developed a checklist format (see Environmental Re-Evaluation Checklist, Appendix D) to serve as a written re-evaluation. Use the checklist to document changes in the project, its surroundings, impacts, and any new issues identified since approval of the CE determination, EA/FONSI, or the Draft or Final EIS. Undertake field reviews, additional environmental studies (as necessary), and coordinate with other agencies (as appropriate to address any new impacts or issues), and include the results in the checklist.

5.5. Approval Process

When you have completed the Re-evaluation Checklist, transmit it to the regional environmental coordinator for approval. After approval, the coordinator will provide a copy to the FHWA for concurrence.

5.6. Revised EA/Supplemental EIS

In some cases, the result of the re-evaluation may be a decision to prepare a revised EA or a Supplemental EIS.

Prepare a revised EA when there is a substantial change in scope, preferred alternative, or substantial change in the project effect from what was evaluated in the approved EA or FONSI. The format of the revised EA should be the same as the original EA, but only needs to discuss the impact categories that have changed. Italicize new or revised text to show contrast and make it easier for reviewers to read.

A revised EA goes through the same review and approval process as the original EA and FONSI (See Chapter 3). After you have addressed all comments on the revised EA, the FHWA will prepare a new FONSI, if applicable. If the revised EA identifies significant environmental impacts, an EIS is required (See Chapter 4 for EIS process).

A Supplemental Environmental Impact Statement (SEIS) is required when 1) there are changes in the project that would result in significant environmental impacts, or 2) new information or circumstances exist, which are relevant to the action or to project impacts, and which were not evaluated in the EIS. See 23 CFR 771.771.130 for the specific requirements for an SEIS.

The process and format of the SEIS are the same as those for the original EIS, except scoping is not required (see Chapter 4). The review and approval process is also the same.